

**RAJYA SABHA**  
**NOTICE OF AMENDMENTS**  
**THE CHILD LABOUR (PROHIBITION AND REGULATION)**  
**AMENDMENT BILL, 2012**  
**(As introduced in the Rajya Sabha)**  
**[To be moved at a sitting of the Rajya Sabha]**

**ENACTING FORMULA**

**BY SHRI BANDARU DATTATREYA:**

1. That at page 1, line 1, for the word “Sixty-third”, the word “Sixty-sixth” be substituted.

**CLAUSE 1**

**BY SHRI BANDARU DATTATREYA:**

2. That at page 1, line 3, for the figure “2012”, the figure “2015” be substituted.

**CLAUSE 5**

**BY SHRI BANDARU DATTATREYA:**

3. That at page 2, for lines 15 to 20, the following be substituted, namely:-

“3.(1) No child shall be employed or permitted to work in any occupation or process.

Prohibition  
of  
employment  
of children  
in any  
occupation  
and process.

(2) Nothing in sub-section (1) shall apply where the child,-

(a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;

(b) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

Provided that no such work under this clause shall affect the school education of the child.

*Explanation.* – For the purposes of this section, the expression,

(a) “family” in relation to a child, means his mother, father, brother, sister and father’s sister and brother and mother’s sister and brother;

(b) “family enterprise” means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;

(c) “artist” means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2).”.

#### CLAUSE 6

**BY SHRI BANDARU DATTATREYA:**

4. That at page 2, after line 23, the following be inserted, namely:-

“Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.”.

#### NEW CLAUSE 7A

**BY SHRI BANDARU DATTATREYA:**

5. That at page 2, after line 26, the following be inserted, namely:-

Amendment  
of section 5.

“7A. In section 5 of the principal Act,—

(i) in the marginal heading, for the words “Child Labour Technical Advisory Committee”, the words “Technical Advisory Committee” shall be substituted.

(ii) in sub-section (1), for the words “Child Labour Technical Advisory Committee”, the words “Technical Advisory Committee” shall be substituted”.

#### CLAUSE 8

**BY SHRI BANDARU DATTATREYA:**

6. That at page 2, for line 27, the following be substituted, namely:-

Amendment  
of Part III.

“8. In the heading of Part III of the principal Act, for “CHILDREN” substitute “ADOLESCENTS”

## NEW CLAUSES 8A TO 8H

**BY SHRI BANDARU DATTATREYA:**

7. That at page 2, after line 27, the following be inserted, namely:-
- Amendment of section 6. "8A. In section 6 of the principal Act, for the word and figure "section 3", the word, figure and letter "section 3A" shall be substituted".
- Amendment of section 7. "8B. In section 7 of the principal Act, for the word "child", wherever it occurs, the word "adolescent" shall be substituted".
- Amendment of section 8. "8C. In section 8 of the principal Act, for the word "child", the word "adolescent" shall be substituted".
- Amendment of section 9. "8D. In section 9 of the principal Act, for the word "child", at both the places, where it occurs, the word "adolescent" shall be substituted".
- Amendment of section 10. "8E. In section 10 of the principal Act, for the word "child", at both the places, where it occurs, the word "adolescent" shall be substituted".
- Amendment of section 11. "8F. In section 11 of the principal Act,  
(a) for the word "children", the word "adolescents" shall be substituted.  
(b) for the word "child", wherever it occurs, the word "adolescent" shall be substituted".
- Amendment of section 12. "8G. In section 12 of the principal Act, -  
(a) in the marginal heading, for the words and figures "sections 3 and 14", the words, figures and letter "sections 3A and 14" shall be substituted.  
(b) for the words and figures "sections 3 and 14", the words, figures and letter "sections 3A and 14" shall be substituted".
- Amendment of section 13. "8H. In section 13 of the principal Act, for the word "children", wherever it occurs, the word "adolescents" shall be substituted".

## CLAUSE 9

**BY SHRI BANDARU DATTATREYA:**

8. That at page 3, after line 3, the following be inserted, namely:-
- "(1B) Notwithstanding anything contained in sub-sections (1) and (1A), the parents or guardians of any child or adolescent referred to in section 3 or section 3A, shall not be liable for punishment, in case of the first offence.";
9. That at page 3, for lines 4 to 8, the following be substituted, namely:-
- "(b) for sub-section (2), the following sub-sections shall be substituted, namely:-

(2) Whoever, having been convicted of an offence under section 3 or section 3A commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.

(2A) Notwithstanding anything contained in sub-section (2), the parents or guardian having been convicted of an offence under section 3 or 3A, commits a like offence afterwards, he shall be punishable with a fine which may extend to ten thousand rupees.”.

### CLAUSE 10

**BY SHRI BANDARU DATTATREYA:**

10. That at page 3, for lines 10 to 13, the following be substituted, namely:-

“10. After section 14 of the principal Act, the following sections shall be inserted, namely:- ”.

Insertion of new sections 14A, 14B, 14C and 14D.

2 of 1974.

“14A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed by an employer and punishable under section 3 or section 3A shall be cognizable.

Offences to be cognizable.

“14B. (1) The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.

Child and Adolescent Labour Rehabilitation Fund.

(2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1).

(3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.

(4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.”

*Explanation.* – For the purposes of appropriate Government the Central Government shall include the Administrator or the Lieutenant Governor of a Union territory under article 239A of the Constitution.

14C. The child or adolescent, who is employed in contravention of the provisions of this Act and rescued, shall be rehabilitated in accordance with the laws for the time being in force.”.

Rehabilitation  
of rescued  
child or  
adolescent.

2 of 1974.

14D. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the District Magistrate may, on the application of the accused person, compound any offence committed for the first time by him, under sub-section (3) of section 14 or any offence committed by an accused person being parent or a guardian, in such manner and on payment of such amount to the appropriate Government, as may be prescribed.

Compounding  
of offences.

(2) If the accused fails to pay such amount for composition of the offence, then, the proceedings shall be continued against such person in accordance with the provisions of this Act.

(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition ‘shall be brought in writing, to the notice of the Court in which the prosecution is pending and on the approval of the composition of the offence being given, the person against whom the offence is so compounded, shall be discharged.”.

### CLAUSE 12

#### **BY SHRI BANDARU DATTATREYA:**

11. That at page 3, for lines 26 to 30, the following be substituted, namely:-

“12. In section 18 of the principal Act, in sub-section (2),-

Amendment  
of section  
18.

(i) clause (a) shall be relettered as clause (b) thereof and before clause (b), as so relettered, the following clause shall be inserted, namely:-

“(a) the conditions and the safety measures under clause (b) of sub-section (2) and other activities under clause (b) to *Explanation* of sub-section (2) of section 3;”;

(ii) in clause (b), as so relettered, for the words “Child Labour Technical Advisory Committee”, the words “Technical Advisory Committee” shall be substituted;

(iii) clauses (b), (c) and (d) shall be relettered as clauses (c), (d) and (e) thereof and in clause (c) as so relettered, for the word “child”, the word “adolescent” shall be substituted;

(iv) after clause (e), as so relettered, the following clauses shall be inserted, namely:-

“(f) the manner of payment of amount to the child or adolescent under sub-section (4) of section 14B;

(g) the manner of composition of the offence and payment of amount to the appropriate Government under sub-section (1) of section 14D;

(h) the powers to be exercised and the duties to be performed by the officer specified and the local limits within which such powers or duties shall be carried out under section 17A.”.

**New Delhi;**  
**November 27, 2015.**

**Shumsher K. Sheriff**  
**Secretary-General**